

# CITY COUNCIL AGENDA

**AUGUST 22, 2006**

## AMENDED AGENDA

LINDA J. LE ZOTTE  
FORREST WILLIAMS  
CINDY CHAVEZ, VICE MAYOR  
CHUCK REED  
NORA CAMPOS

DISTRICT 1  
DISTRICT 2  
DISTRICT 3  
DISTRICT 4  
DISTRICT 5

RON GONZALES MAYOR

KEN YEAGER  
MADISON P. NGUYEN  
DAVID D. CORTESE  
JUDY CHIRCO  
NANCY PYLE

DISTRICT 6  
DISTRICT 7  
DISTRICT 8  
DISTRICT 9  
DISTRICT 10

Welcome to the San José City Council meeting!

This Agenda contains both a Consent Calendar section for routine business items that require Council approval, and general business items arranged to correspond with San José's City Service Areas (CSAs). City Service Areas represent the policy-making level for strategic planning, policy setting, and investment decisions in the critical functions the City provides to the community. They are:

- ***Strategic Support Services*** — The internal functions that enable the CSAs to provide direct services to the community in an effective and efficient manner.
- ***Community & Economic Development*** — Manage the growth and change of the community in order to create and preserve healthy neighborhoods and ensure a diverse range of employment and housing opportunities.
- ***Neighborhood Services*** — Serve, foster, and strengthen community by providing access to lifelong learning and opportunities to enjoy life.
- ***Transportation & Aviation Services*** — A safe and efficient transportation system that contributes to the livability and economic health of the City; and provide for the air transportation needs of the community and the region at levels that is acceptable to the community.
- ***Environment and Utility Services*** — Manage environmental services and utility systems to ensure a sustainable environment for the community.
- ***Public Safety Services*** — Commitment to excellence in public safety by investing in neighborhood partnerships as well as prevention, enforcement, and emergency preparedness services.

Items listed in Section 9 require approval of both the City Council and the San José Redevelopment Agency Board.

You may speak to the City Council about any item that is on the agenda, and you may also speak on items that are not on the agenda during Open Forum. If you wish to speak to the City Council, please refer to the following guidelines:

- **Fill out a Yellow Speaker's Card and submit it to the City Clerk seated at the front table. Do this before the meeting or before the item is heard.** This will ensure that your name is called for the item(s) that you wish to address, and it will help ensure the meeting runs smoothly for all participants.
- When the Council reaches your item on the agenda, Mayor Gonzales will open the public hearing and call your name. Please address the Council from the podium, which is located to the left of the City Clerk's table.
- Each speaker generally has two minutes to speak per item. The amount of time allotted to speakers may vary at the Mayor's discretion, depending on the number of speakers or the length of the agenda.
- To assist you in tracking your speaking time, there is a display on the podium. The green light turns on when you begin speaking; the yellow light turns on when you have 30 seconds left; and the red light turns on when your speaking time is up.

Please be advised that, by law, the City Council is unable to discuss or take action on issues presented during Open Forum. According to State Law (the Brown Act) items must first be noticed on the agenda before any discussion or action.

**The San José City Council meets every Tuesday at 1:30 p.m. and every first and third Tuesday at 7 p.m., unless otherwise noted. If you have any questions, please direct them to the City Clerk's staff seated at the tables just below the dais. Thank you for taking the time to attend today's meeting. We look forward to seeing you at future meetings.**

Agendas and Staff Reports for City Council items may be viewed on the Internet at [www.sanjoseca.gov/clerk/agenda.asp](http://www.sanjoseca.gov/clerk/agenda.asp)

To arrange an accommodation under the Americans with Disabilities Act to participate in this public meeting, please call (408) 535-1252 or (408) 294-9337 (TTY) at least two business days before the meeting.

On occasion the City Council may consider agenda items out of order.

- **Call to Order and Roll Call**  
9:30 a.m. - Closed Session, City Hall Tower, 18<sup>th</sup> Floor, City Hall  
[See Separate Agenda](#)  
1:30 p.m. - Regular Session, Council Chambers, City Hall
- **Invocation (District 7)**  
Building Respect Through Dance
- **Pledge of Allegiance**
- **Orders of the Day**

Items marked with an asterisk denote changes or additions to the previously published Agenda for this meeting.

**ITEM 9.1 IS TO BE CONSIDERED IN A JOINT CITY COUNCIL/REDEVELOPMENT AGENCY BOARD SESSION.**

**Items recommended to be added, dropped, or deferred are usually approved under Orders of the Day unless the Council directs otherwise.**

## **1. CEREMONIAL ITEMS**

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- 1.1** Presentation of a commendation to Adrian Flores for his innovative and multi-faceted school dance program, “Building Respect Through Dance”, piloted at Andrew Hill High School, brings ballroom dance to San José youth. (Nguyen/Chavez/Chirco)
- \* (Rules Committee referral 8/16/06)

## 2. CONSENT CALENDAR

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**Notice to the public:** There will be no separate discussion of Consent Calendar items as they are considered to be routine by the City Council and will be adopted by one motion. If a member of the City Council, staff, or public requests discussion on a particular item, that item will be removed from the Consent Calendar and considered separately.

### 2.1 Approval of Minutes.

### 2.2 Final adoption of ordinances.

### 2.3 Public Hearing on the Historic Property Contract agreement between the City and the property owners for the preservation of the National Guard Armory.

**Recommendation:** Public Hearing on the Historic Property Contract (California Mills Act) agreement between the City and the property owners for the preservation of the National Guard Armory (City Landmark No. HL88-047) on a 0.43 gross acre site, in the CG General Commercial Zoning District, located at/on the east side of North 2<sup>nd</sup> Street, approximately 250 feet northerly of St. James Street (240 N. 2<sup>nd</sup> Street) (Bel Aire Inv Inc.) CEQA: Exempt. (Planning, Building and Code Enforcement)

MA06-001 - District 3

(Deferred from 6/27/06 – Item 3.5)

**DROP**

### 2.4 Acceptance of the Office of the City Auditor's Report.

**Recommendation:** Acceptance of the Office of the City Auditor's *Report of Activities and Findings for the Period May 16, 2005 through June 15, 2006*. (City Auditor)  
(Rules Committee referral 8/9/06)

### 2.5 Approval to award a contract for the Water Pollution Control Plant Compressed Air Upgrade Project.

#### Supplemental

**Recommendation:** Report on bids and award of contract for the construction project entitled, "San José/Santa Clara Water Pollution Control Plant, FY 1997/1998 Compressed Air Upgrade Project," to the low bidder, Air Perfection, Inc., in the amount of \$267,807; and approval of a contingency in the amount of \$27,000 for a total agreement amount not to exceed \$294,807. CEQA: Exempt, PP05-124. (Environmental Services)

\* **RECOMMEND DEFERRAL TO 9/26/06**

## 2. CONSENT CALENDAR

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### 2.6 Approval to award a contract to purchase hazardous materials entry suits.

**Recommendation:** Report on bids and award the purchase of hazardous materials entry suits on behalf of various local agencies within Santa Clara County to the lowest responsive bidder, Bauer Compressor, Inc., for a total amount not to exceed \$116,002.87 using Urban Area Security Initiative grant funds. CEQA: Not a Project. (Finance)

### 2.7 Approval of actions related to the annexation of Story No. 55.

- \* **Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as Story No. 55 which involves the annexation to the City of San José of 1.33 gross acres of land located at the northwest corner of South White Road and Story Road and adjacent to the City of San José annexations Capitol No. 5 and Hillview No. 11 and the detachment from County Lighting County Service, Central Fire Protection, Area No. 01 (Library Service) County Service and County Sanitation 2-3 Districts. CEQA: Resolution No. 65459. Council District 5. (Planning, Building and Code Enforcement)

### 2.8 Approval of actions related to the annexation of McKee No. 131.

- \* **Recommendation:** Adoption of a resolution ordering the reorganization of territory designated as McKee No. 131 which involves the annexation to the City of San José of 2.10 gross acres of land located at the northeast corner of North Capitol Avenue and Grandview Drive and adjacent to the City of San José annexations McKee Nos. 97, 55-A. 9 and 129 and the detachment of the same from Central Fire Protection, Area No. 01 (Library Service) County Service Districts. CEQA: Mitigated Negative Declaration, File No. PDC05-064. Council District 4. (Planning, Building and Code Enforcement)

### 2.9 Approval of actions related to the Telecommunication Antenna Installation and Property Use Agreement.

**Recommendation:**

- (a) Adoption of a resolution approving a standard form Non-Exclusive Multi-Site Telecommunication Antenna Installation and Property Use Agreement for use with telecommunication companies for a five year term with one five-year option and authorizing the City Manager to execute those agreements.
- (b) Adoption of a resolution revising the rate schedule previously approved in Resolution No. 70538 adopted August 7, 2001, to include a standard rate schedule for the standard multi-site agreement with annual use fee increases of 4% or the annual increase of the Consumer Price Index, whichever is highest, and a 20% discount in rates for multiple sites.

CEQA: Exempt, File No. PP06-114. (Public Works)

### **3. STRATEGIC SUPPORT SERVICES**

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#### **3.1 Report of the Study Session**

**Mayor Gonzales, Chair**

#### **3.2 Report of the Rules Committee – [August 9, 2006](#)**

**Vice Mayor Chavez, Chair**

- (a) Redevelopment Agency items reported out at Redevelopment Agency meeting
- (b) City Council
  - (1) Review August 22, 2006 Draft City Council Agenda
    - (a) Adds to the August 22, 2006 Draft City Council Agenda
  - (2) Add New Items to August 15, 2006 City Council Agenda
    - (a) Mayor and Councilmember Requests
    - (b) Council Appointee Requests
  - (3) List of Reports Outstanding
- (c) Legislative Update
  - (1) State
  - (2) Federal
- (d) Meeting Schedules
  - (1) Approval to set a Joint City/County Meeting for August 31, 2006, 10:00 a.m. to 12:00 Noon in the Council Chambers
- (e) The Public Record
- (f) Appointments to Boards, Commissions and Committees
- (g) Rules Committee Reviews, Recommendations and Approvals
  - (1) Approve Council Committee Work Plans
    - (a) All Children Achieve Committee
    - (b) Building Strong Neighborhoods Committee  
(Deferred from 6/21/06 and 8/2/06)
- (h) Review of Significant Public Records Act Requests
  - (1) Accept staff information report on the American Civil Liberties Union Public Records Request  
[Supplemental](#)
- (i) Review of Council Policy Updates per Sunshine Reforms
- (j) Open Forum
- (k) Adjournment

#### **3.3 Report of the Making Government Work Better Committee**

**Council Member Reed, Chair**

#### **3.4 Approval of an ordinance amending Title 12 of the San José Municipal Code.**

**Recommendation:** Approval of an ordinance amending Title 12 of the San José Municipal Code to require Council Members to regularly disclose any outside compensatory activities and the nature of such activities. (City Attorney)

**\* RECOMMEND DEFERRAL TO 8/29/06**

## 4. COMMUNITY & ECONOMIC DEVELOPMENT

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4.1 **Report of the Building Strong Neighborhoods Committee**  
Council Member Chirco, Chair

4.2 **Report of the Driving a Strong Economy Committee**  
Council Member Williams, Chair

4.3 [Approval of actions related to the HP Pavilion's Advertising Program.](#)

**Recommendation:**

- \* (a) [Acceptance of the San José HP Pavilion Improvement Study Advertising Plan.](#)
- (b) Adoption of a resolution authorizing the City Manager to negotiate and execute an agreement with San José Arena Management to place Comerica naming revenue in the approximate amount of \$175,000 per year in an account dedicated to:
  - (1) Analysis and planning for the enhancement of the Arena as per the “Applicable Standard”;
  - (2) The identification of improvements necessary to accommodate an NBA franchise; and
  - (3) Devote the balance of funds not expended under (1) & (2) above to upgrade the Arena through the early establishment of the Enhancement Fund provided for in the Arena Management Agreement.

CEQA: Not a Project. (City Manager's Office)

## 5. NEIGHBORHOOD SERVICES

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5.1 **Report of the All Children Achieve Committee**  
Council Member Yeager, Chair

## 6. TRANSPORTATION & AVIATION SERVICES

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6.1 **Report of the Building Better Transportation Committee**  
Council Member Campos, Chair

6.2 [Approval of actions related to the Airport Arts Activation Project.](#)

[Supplemental](#)

- \* **Recommendation:** Adoption of a resolution authorizing the City Manager to negotiate and execute an amendment to the contract for Arts Infrastructure Team, Gorbet + Banerjee to increase the scope of work for the Mineta San José International Airport Arts Activation Project to include the Terminal Area Improvement Program, and increase the contract amount by \$105,000 from \$250,000 to a not to exceed amount of \$355,000.

CEQA: Resolution Nos. 67380 and 71451, PP05-207. (Economic Development)

## 7. ENVIRONMENTAL & UTILITY SERVICES

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### 7.1 [Approval of actions related to Recycle Plus Program Services.](#)

[Supplemental 1](#)

[Supplemental 2](#)

[Supplemental 3](#)

[Supplemental 4](#)

[City Attorney's Memo](#)

#### **Recommendation:**

- (a) Adoption of a resolution authorizing the Director of Finance to negotiate and execute agreements with:
  - (1) Norcal Waste Systems, Inc., for single-family residential Solid Waste Services and Recycling Services in Districts A and C for a two-year term from July 1, 2007, through June 30, 2009.
  - (2) GreenWaste Recovery, Inc., for Yard Trimmings and Residential Street Sweeping Services in District C for a six-year term from July 1, 2007, through June 30, 2013; and
- (b) Direction to the Administration to report back to Council within 60 days on a procurement strategy for Solid Waste and Recycling Services for Districts A and C commencing July 1, 2009.
- (c) Direction to staff to prepare any public notices and reports required to prepare for the necessary single-family rate increase of 25 percent in Fiscal Year 2007-08, subject to final Council action during the City's annual budget process.

CEQA: Negative Declaration, File No. PP06-009. (Environmental Services/Finance)

\* [Deferred from 8/15/06 – Item 7.1]



## 8. PUBLIC SAFETY SERVICES

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### 8.1 Approval to purchase two tractor drawn aerial ladder fire trucks for the Fire Department.

**Recommendation:** Report on bids and approval of the purchase of two tractor drawn aerial ladder fire trucks from Emergency Vehicle Group, Inc., from the low bidder, in an amount not to exceed \$1,696,361.94 and authorize the Director of Finance to execute the purchase order. CEQA: Not a Project. (Finance)

### 8.2 Approval of actions related to Fire Station No. 19.

**Recommendation:** Adoption of a resolution determining that the public interest and necessity require the acquisition of a portion of a parcel currently improved with a vacant commercial building, for purposes of relocating and constructing a new facility for Fire Station 19 at the corner of Piedmont and Sierra Roads, from the owner, Piedmont and Sierra Road Plaza, LLC, A California Limited Liability Company (“Owner”) and located at 1275 Piedmont Road, San José, CA 95132 (APN No. 591-14-052) and authorizing the City Attorney to file suit in eminent domain to acquire such property interest, to apply for an order for possession before judgment, and to prosecute the action to final judgment, and authorizing the deposit of money in court for possession of the property from the funds lawfully available. CEQA: Exempt, PP06-116. Council District 4. (Public Works)

## **9. JOINT COUNCIL/REDEVELOPMENT AGENCY**

- Closed Session Report
- Notice of City Engineer's Pending Decision on Final Maps
  - \* In accordance with Sec. 19.16.140d of the San Jose Municipal Code, this is notice of the City Engineer's receipt of the following Final Maps for review:

<u>Tract</u>	<u>Location</u>	<u>Council District</u>	<u>Developer</u>	<u>Lots/Units</u>	<u>Type</u>
9833	West side of Cypress Ave, 400 ft south of Stevens Creek Blvd	1	Mr. Abdy Mirzadegan	5 Lots/ 4 Units	Single and Multi Family
9837	West side of Delmas Ave, 170 ft north of Dorothy Ave	6	Mr. Greg Schatzel	11 Lots/ 10 Units	Single Family Detached

- Notice of City Engineer's Award of Construction Projects
- Open Forum—To be heard jointly with Redevelopment Agency Public Discussion.
- Adjournment